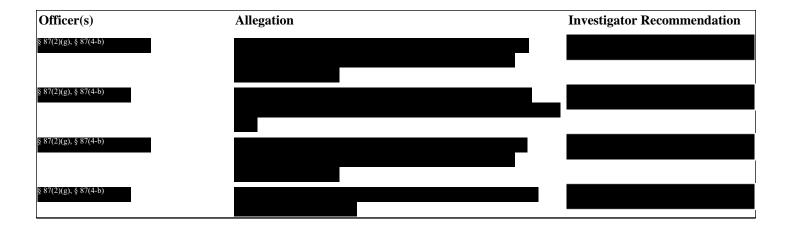
## CCRB INVESTIGATIVE RECOMMENDATION

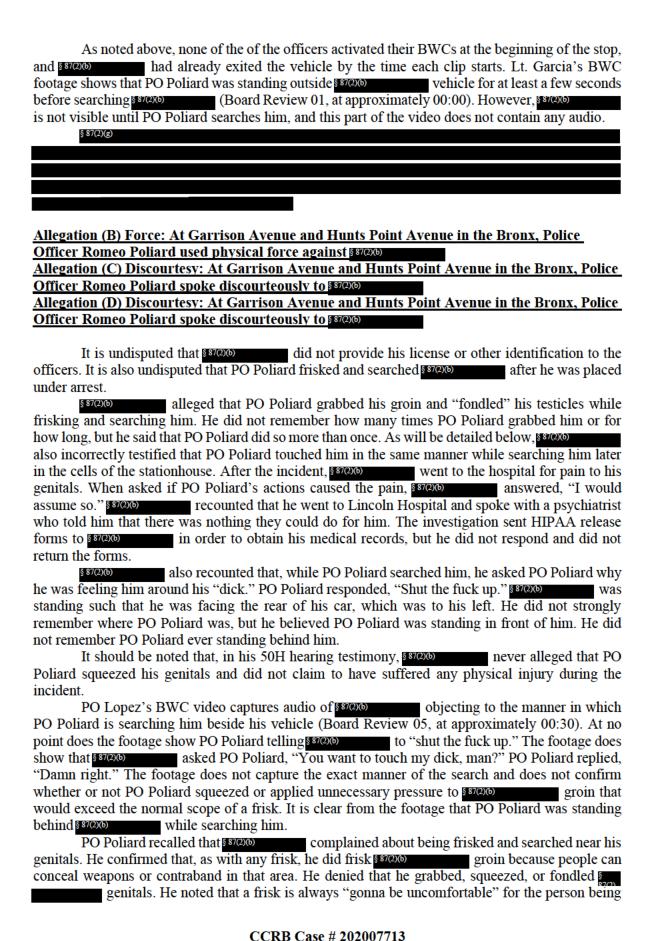
Investigator:		Team:	CCRB Case #:	M	Force	M	Discourt.	□ U.S.
Stephen DiFiore		Squad #5	202007713	I_	Abuse		O.L.	☐ Injury
				匚		_		
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	EO SOL
Wednesday, 11/11/2020 12:07 AM Wednesday, 11/11/2020 12:14 AM		Garrison Avenue and H Avenue; 41st Precinct s			41	5/	11/2022	5/11/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Rece	eived at CC	RB
Wed, 11/11/2020 4:18 AM		IAB	Phone		Mon, 11/2	3/202	0 11:24 Al	M
Complainant/Victim	Туре	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
POM Romeo Poliard	17518	962021	041 PCT					
2. POF Cynthia Lopez	07046	963616	041 PCT					
3. LT Jose Garcia	00000	943276	041 PCT					
4. POM Joel Feliz	24505	962401	041 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Abel Dupres	13626	963498	041 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recor	nmendation
A.POM Romeo Poliard	Discourtesy: At Garrison Avenue and Hunts Point Avenue in the Bronx, Police Officer Romeo Poliard spoke discourteously to \$87(2)(6)							
B.POM Romeo Poliard	Bronx, P	Force: At Garrison Avenue and Hunts Point Avenue in the Bronx, Police Officer Romeo Poliard used physical force against §87(2)(b)						
C.POM Romeo Poliard	Discourtesy: At Garrison Avenue and Hunts Point Avenue in the Bronx, Police Officer Romeo Poliard spoke discourteously to \$87(2)(b)							
D.POM Romeo Poliard	the Bron	esy: At Garrison Avenue x, Police Officer Romeo cously to <sup>§87(2)(6)</sup>		venu	ie in			
E.POM Romeo Poliard	Discourtesy: At Garrison Avenue and Hunts Point Avenue in the Bronx, Police Officer Romeo Poliard spoke discourteously to							
F.LT Jose Garcia		at Garrison Avenue and initiation in the second sec		in t	he			
G.POM Romeo Poliard		t the 41st Precinct station Poliard used physical for		cer				
H.POM Romeo Poliard		esy: At the 41st Precinct Comeo Poliard spoke dis						
I.POM Joel Feliz		esy: At the 41st Precinct oel Feliz spoke discourte		e				
J.LT Jose Garcia		esy: At the 41st Precinct cia spoke discourteously		enan	ıt 💮			



## **Case Summary**

original log 2020-26473. The CCRB received the complaint on November 23, 2020.  On November 11, 2020, at approximately 12:07 a.m., Lieutenant Jose Garcia and Police Officers Romeo Poliard and Cynthia Lopez of the 41st Precinct stopped [587(2)] for running
Officers Romeo Poliard and Cynthia Lopez of the 41st Precinct stopped \$37000 for running
a red light at the intersection of Hunts Point Avenue and Garrison Avenue in the Bronx. PO Poliard
allegedly told [887(2)(b) to "get the fuck out" of his car (Allegation A: Discourtesy,
refused to provide ID for the officers to issue him a summons, so
Lt. Garcia placed under arrest for aggravated unlicensed operation of a motor vehicle,
unlawful possession of marijuana, driving without a license, and running a red light (Board Review
01). Once \$87(2)(0) was out of the car, PO Poliard allegedly squeezed \$87(2)(0) genitals
while frisking him (Allegation B: Force, \$87(2)(9) When \$87(2)(9) asked PO Poliard,
"You want to touch my dick, man?" PO Poliard responded, "Damn right" (Allegation C:
Discourtesy, \$87(2)(2) PO Poliard allegedly told \$87(2)(6) to "shut the fuck up"
(Allegation D: Discourtesy, \$87(2)(2) PO Poliard escorted \$87(2)(3) to a police vehicle and
told Police Officers Joel Feliz and Abel Dupres of the 41st Precinct regarding (**100) "He's a
dumbass, search him" (Allegation E: Discourtesy, \$87(2)(2) Lt. Garcia had \$87(2)(3)
vehicle brought back to the stationhouse (Allegation F: Abuse of Authority, 1970)
Once at the 41st Precinct stationhouse, PO Poliard allegedly squeezed strong between
his legs while in the cells at the stationhouse (Allegation G: Force, STO) While in the cells,
PO Poliard, PO Feliz, and Lt. Garcia all used profanity with (Allegation H-J:
Discourtesy, § 87(2)(g)
§ 87(2)(g), § 87(4-b)
The investigation obtained BWC footage (Board Review 02-07, summarized in Board
Review has not the loogue ones not commencially of comment in permitting of the incident walking
Review 08), but the footage does not comprehensively capture the beginning of the incident
All references to video evidence below refer to the timestamp in the video player, and not
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**CCRB Case # 202007713** 



CCRB CTS – Confidential Page 2

When asked to explain why he replied, "Damn right," to strow asking if him if he wanted to touch penis, PO Poliard testified that he answered in the affirmative because he had previously found guns during frisks of suspect's groins. He also acknowledged that was being sarcastic and belligerent, and so "[he] gave it right back" by responding in kind. He also said that his remark was a "heat of the moment" decision.  Lt. Garcia confirmed that PO Poliard searched but was unable to describe how he did so (Board Review 15). PO Lopez testified that PO Poliard definitely searched but she did not see PO Poliard squeeze between his legs.  Due to the conflicting testimony between service and the PO Poliard, and in the absence of further evidence, the investigation was unable to determine if PO Poliard squeezed genitals in a manner which caused pain and constituted physical force. Based on PO Lopez's BWC, the investigation determined that PO Poliard did not tell strow "to "shut the
fuck up." <u>Patrol Guide Procedure 200-02</u> requires that officers "render [their] services with civility and
courtesy" (Board Review 16).  As the investigation was unable to determine if PO Poliard used physical force against [870]
during the frisk, it is recommended that <b>Allegation B</b> be closed as score to "shut the fuck up" as alleged, it is recommended that <b>Allegation C</b> be closed as \$87000
§ 8270)
PO Poliard did not need to respond, and he certainly did not need to respond with profanity and in a manner which indicated to \$87(2)(6)
that PO Poliard did want to touch his penis.
Allegation (E) Discourtesy: At Garrison Avenue and Hunts Point Avenue in the Bronx, Police
Officer Romeo Poliard spoke discourteously to \$87(2)(6)
PO Poliard's BWC footage shows that he brought to PO Feliz and PO Dupres so they could transport him to the stationhouse. PO Poliard told them, in reference to "He's a dumbass, search him" (Board Review 02, at approximately 01:13).
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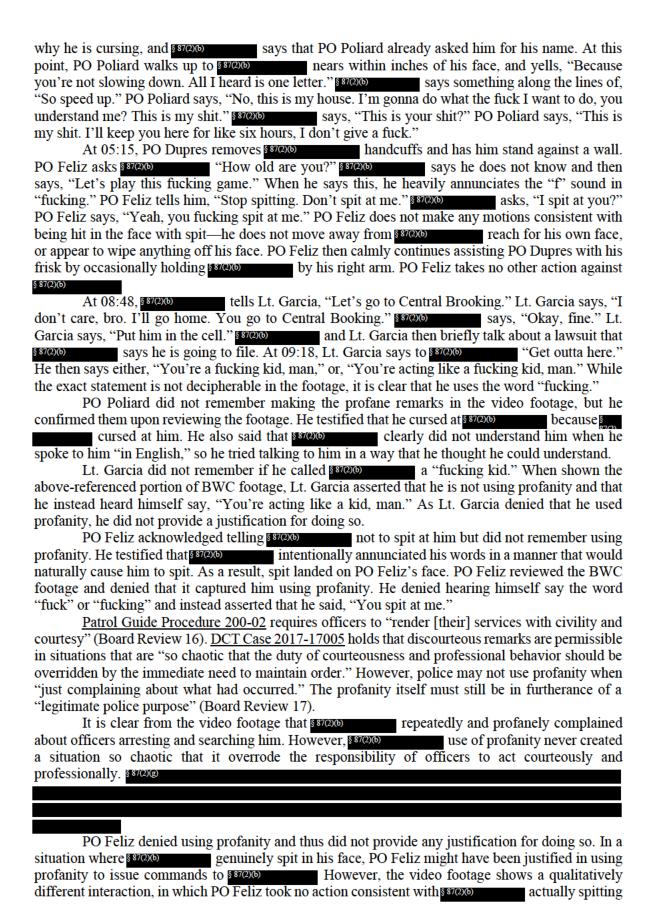
**CCRB Case # 202007713** 

handcuffed, have vehicle or other conveyance not required as evidence safeguarded, if appropriate"

(Board Review 19) (emphasis original).
vehicle could not be left in the roadway at the site of the stop. §87(2)(2)
Allegation (G) Force: At the 41st Precinct stationhouse, Police Officer Romeo Poliard used
physical force against \$87(2)(6)
testified PO Poliard searched him in the cell area in the same manner as he had at the scene of the arrest, and he specified that PO Poliard grabbed his testicles and "squeezed" his penis. similarly did not remember how many times PO Poliard squeezed his genitals, but he noted that he did not physically react when PO Poliard did so. His only response was telling PO Poliard, "Get the fuck off me." PO Poliard responded by telling him, "This is my house."
The CCRB obtained comprehensive BWC footage of strong interaction with officers at the stationhouse before being placed in the cell. PO Poliard's BWC footage shows PC Dupres and PO Feliz searching near the stationhouse desk (Board Review 03, at approximately 01:30). At 02:43, PO Poliard approaches for pants and quickly searches him as well. PC Poliard pulls the string out of for pants and quickly searches the pockets of his pants and sweatshirt. At no point does PO Poliard reach between strong again in the cell area. During this search, strong asks PO Dupres, "The fuck you keep feeling my dick for, man?" as PO Dupres frisks him around his groin. The BWC does not have a view of the front of strong body at this moment. Beyond asking PO Dupres why he was "feeling [his] dick," strong did not say anything about PO Dupres causing him pain.  As will be discussed below, the BWC footage shows that PO Poliard did tell strong in the stationhouse cells and well after PO Poliard's search of strong in front of the desk. PO Poliard also did not make the remark in response to strong complaining about the manner of a frisk.
Allegation (H) Discourtesy: At the 41st Precinct stationhouse, Police Officer Romeo Poliard spoke discourteously to \$\$\frac{8}{2}\frac{1}{2}\text{D}\$  Allegation (I) Discourtesy: At the 41st Precinct stationhouse, Police Officer Joel Feliz spoke discourteously to \$\$\frac{8}{2}\frac{1}{2}\text{D}\$  Allegation (J) Discourtesy: At the 41st Precinct stationhouse, Lieutenant Jose Garcia spoke discourteously to \$\$\frac{8}{2}\frac{1}{2}\text{D}\$
PO Poliard's second BWC clip captures many officers using profanity with \$87(2)(6)
while in the stationhouse cells.
When PO Feliz enters the cell area with PO Poliard's BWC, \$37000 is spelling his name for the officers. PO Poliard, who had not yet seen \$37000 suspended driver's license advises him of the consequences of providing a false name, and \$37000 says that he provided his name ten times already (Board Review 03, at approximately 03:31). PO Poliard then says, "I hear you. \$37000 replies \$37000 "One of the officers asks him
you. seeded the officers asks into

CCRB Case # 202007713

CCRB CTS – Confidential Page 4



Lt. Garcia denied using profanity and thus did not provide any justification for doing so.	in his	face. § 87(2)(g)		
§ \$7(2)(0), § \$7(4-b)				
§ \$7(2)(0), § \$7(4-b)				
STOY(0.\$87(44))  Civilian and Officer CCRB Histories		Lt. Garcia denied using profanity	and thus did not provide any ju	stification for doing so.
Civilian and Officer CCRB Histories				(g)
Civilian and Officer CCRB Histories				
Civilian and Officer CCRB Histories				
Civilian and Officer CCRB Histories	\$ 97/2)/-) \$	S 07/4 b)		
	§ 87(2)(g), §	\$ <b>6</b> 7(4-0)		
			<u> </u>	
		Civilian a	nd Officer CCRB Histories	
	§ 87(2)(b)			

- PO Poliard has been a member of the NYPD for five years and has been a subject in two other CCRB complaints and three allegations, one of which was substantiated:
  - 201908261 involved a substantiated allegation of forcible removal to the hospital against PO Poliard. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
  - PO Poliard is currently a subject in two other CCRB complaints and 13 allegations. The investigations into these complaints are ongoing.
  - O § 87(2)(g
- Lt. Garcia has been a member of the NYPD for 15 years and has been a subject in nine other CCRB complaints and 14 other allegations, of which one was substantiated:

- 200810343 involved a substantiated allegation of discourtesy against Lt. Garcia, in which he told a civilian to respect his "fucking uniform." The Board recommended Command Discipline and the NYPD imposed Command Discipline B.
- Lt. Garcia is currently a subject in one other CCRB complaint and three allegations. The investigation into this complaint is ongoing.
- Lt. Garcia has been the subject of two additional discourtesy allegations, both of which were closed as unsubstantiated.
- PO Feliz has been a member of the NYPD for five years and has been a subject in four prior CCRB complaints and 13 allegations, none of which were substantiated.
  - PO Feliz is currently a subject in two other CCRB complaints and nine allegations. The investigations into these complaints are ongoing.
  - O § 87(2)(g)

## Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- filed a Notice of Claim with the City of New York claiming psychological injury, humiliation, shock, insomnia, fear of police, seizure of property, lost wages, and medical expenses and seeking \$500,000 as redress (Board Review 23).

[§ 87(2)(b)] [§§ 86(1)(3)&(4	4)] [§ 87(2)(c)]		
	_		
Squad:	5		
Investigator:	Stephen J. DiFiore	Inv. Stephen DiFiore	_February 12, 2022
	Signature	Print Title & Name	Date
Squad Leader:	Daniel Giansante	IM Daniel Giansante	February 13, 2022
1	Signature	Print Title & Name	Date
Reviewer:			
Keviewei.	Signature	Print Title & Name	Date